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October 18, 2004

TELECOPIER TRANSMITTAL SHEET**TELECOPY TO:** COMMISSIONER FOR PATENTS**FAX NUMBER:** (703) 872-9306**FROM:** JOHN P. O'BANION**RE:** 09/772,502
APP 1337-US (UC2002-396-1)**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)**

I hereby certify that the enclosed:

1. PETITION FOR WITHDRAWAL OF ABANDONMENT (2 PAGES)
2. AUTO-REPLY FACSIMILE TRANSMISSION (1 PAGE)
3. TX REPORT (1 PAGE)
4. TELECOPIER TRANSMITTAL SHEET (1 PAGE)
5. TRANSMITTAL LETTER (General - Patent Pending) (1 PAGE)
6. TERMINAL DISCLAIMER (3 PAGES)
7. AMENDMENT (23 PAGES)

are being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9306) on
18 October 2004.

JOHN P. O'BANION

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NUMBER OF PAGES SENT (INCLUDING COVER SHEET): 33**IF THERE ARE ANY PROBLEMS OR QUESTIONS, PLEASE CONTACT US AT (916) 498-1010. OUR FAX NO. IS (916) 498-1074.**

OCT 18 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/772,502 Confirmation No.: 1346
Applicant : GEE-KUNG CHANG ET AL.
Title : OPTICAL LAYER MULTICASTING USING A SINGLE SUB-
CARRIER HEADER AND A MULTICAST SWITCH WITH ACTIVE
HEADER INSERTION
Filed : 01/30/2001
TC/A.U. : 2633
Examiner : NEGASH, K. M.
Docket No. : APP 1337-US (UC2002-396-1)
Cust No. : 8156

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT

1. Applicant respectfully petitions that the abandonment set forth in the Notice of Abandonment mailed by the Office on 10/18/2004 be withdrawn.
2. The Notice of Abandonment indicated that abandonment was for failure to response to the Office Action mailed on 10/06/2003.
3. On 01/06/2004, Applicant filed a timely response via facsimile.
4. Applicant's response was deemed received by Office on 01/06/2004 as evidenced by an Auto-Reply Facsimile Transmission bearing that date.
5. Submitted herewith is:
 - (a) A copy of the Auto-Reply Facsimile Transmission showing receipt of the Applicant's response on 01/06/2004 consisting of 28 pages;
 - (b) A copy of the Applicant's Telecopier Transmittal Sheet with a transmission report showing that 28 pages were sent to the Office on 01/06/2004.
 - (c) A copy of the Applicant's Telecopier Transmittal Sheet sent with the response.
 - (d) A copy of a Transmittal Letter sent with the Applicant's response with authorization to charge the Applicant's deposit account for the fees due for a Terminal Disclaimer.
 - (e) A copy of the Terminal Disclaimer submitted with the Applicant's response.

Page 1

Appl. No.: 09/772,502
Amdt. Dated: 01/06/2004
Off. Act. Dated: 10/06/2004

(f) A copy of the Amendment sent with the Applicant's response.

6. Based on the foregoing, the Applicant respectfully submits that a response to the Office Action of 10/06/2003 was timely filed on 01/06/2004 and requests that the abandonment be withdrawn. NO FEE SHOULD BE DUE.

7. In the event that the foregoing statement and evidence is insufficient for withdrawal of the abandonment, the Applicant alternatively petitions for revival of this application under 37 CFR 1.137(b) and certifies that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If any fee is due, please charge Deposit Account No. 07-1137. Applicant is a small entity.

8. Please proceed with further examination of the basis of the attached copy of the papers originally filed. Acknowledgement of the active status of the application is respectfully requested.

Date: 10/18/04

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
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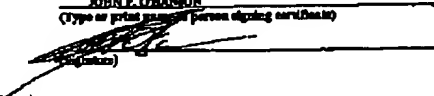
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O'BANION & RITCHEY LLP INTELLECTUAL PROPERTY ATTORNEYS Wells Fargo Center 400 Capitol Mall, Suite 1350 Sacramento, California 95814 Tel. (916) 498-1010 Fax (916) 498-1074		
January 8, 2004		
TELECOPIED TRANSMISSION SHEET		
TELECOPY TO:	COMMISSIONER FOR PATENTS	
FAX NUMBER:	(703) 872-9306	
FROM:	JOHN P. O'BANION	
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January 6, 2004

TELECOPIER TRANSMITTAL SHEET

TELECOPY TO: COMMISSIONER FOR PATENTS

FAX NUMBER: (703) 872-9306

FROM: JOHN P. O'BANION

RE: 09/772,502
APP 1337-US (UC2002-396-1)

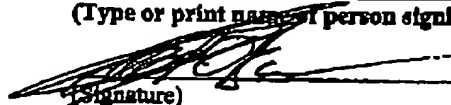
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